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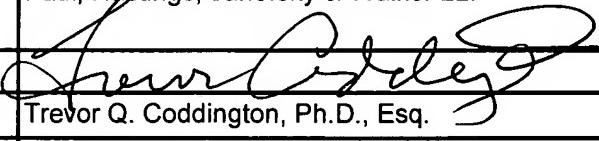
Total Number of Pages in This Submission

Application Number	10/796,398
Filing Date	March 8, 2004
First Named Inventor	William E. McKinzie III
Art Unit	2817
Examiner Name	Seungsook Ham
Total Number of Pages in This Submission	3
Attorney Docket Number	39588.00002.UTL1

**ENCLOSURES (Check all that apply)**

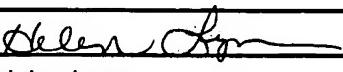
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<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	Paul, Hastings, Janofsky & Walker LLP		
Signature			
Printed name	Trevor Q. Coddington, Ph.D., Esq.		
Date	May 9, 2005	Reg. No.	46,633

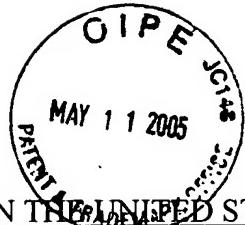
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This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Patent  
39588.00002.UTL1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application Of: )  
William E. McKinzie III ) Group Art Unit: 2817  
Application Number: 10/796,398 ) Examiner: Seungsook HAM  
Filed: March 8, 2004 )  
For: SYSTEMS AND METHODS FOR )  
BLOCKING MICROWAVE )  
PROPAGATION IN PARALLEL )  
PLATE STRUCTURES )

Mail Stop Amendment  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

ELECTION OF SPECIES

Dear Sir:

The Office Action mailed on April 14, 2005, requires that Applicant elect one of the following seven (7) allegedly distinct species of the claimed invention:

<u>SPECIES</u>	<u>FIGURES</u>
I	5(a)-5(c)
II	6(a)-6(b)
III	7(a)-7(c)
IV	8
V	17
VI	20
VII	21

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CERTIFICATE OF MAILING  
(37 C.F.R. §1.10)

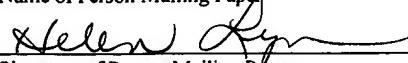
I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as 'Express Mail Post Office To Addressee' in an envelope addressed to the Commissioner for Patents, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

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may 9, 2005

Date of Deposit  
SAN/114059.1

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Helen Lynn  
Name of Person Mailing Paper  
  
Signature of Person Mailing Paper

APPLICATION NO. 10/796,398  
ELECTION OF SPECIES DATED MAY 9, 2005  
REPLY TO OFFICE ACTION OF APRIL 14, 2004

Applicant hereby elects **Species IV**, i.e., **Fig. 8**, with **traverse** and respectfully submits that all pending claims, i.e., **claims 1-53**, are readable on the elected Species. For instance, claims 1-39, 51, and 52 read on at least the hybrid topology "H2" shown in Fig. 8. Claims 40-50, and 53 read on at least the hybrid topology "H3" also shown in Fig. 8.

Applicant submits that the election requirement is improper at least because the Office Action fails to establish that the alleged species are patentably distinct. "Patentably distinct" means that two or more subjects as disclosed are related . . . and are patentable (novel and unobvious) over each other. MPEP § 802.01. The Office Action merely states that the alleged species are each related to a purportedly different electromagnetically reactive structure. However, the Office Action fails to address why these purportedly different electromagnetically reactive structures are patentably distinct. Applicant respectfully requests the Examiner to withdraw the election requirement.

Applicant reserves the right to prosecute any non-elected subject matter in this application or in a divisional application.

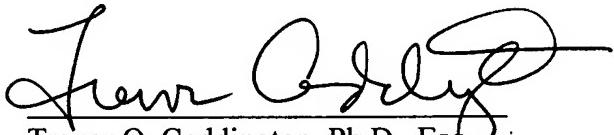
The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number, in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

No fee is believed to be necessary for submission of this Election of Species. In the event that a fee is required for this submission or to maintain the present application pending, please charge such fee, including extension of time fees, to Deposit Account No. 50-2613.

Respectfully Submitted,

Paul, Hastings, Janofsky & Walker LLP

By:



Trevor Q. Coddington, Ph.D., Esq.  
Reg. No. 46,633

May 9, 2005

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